

REMARKS

Claims 2, 3, 13 and 15-26 and 28 are pending. Claims 13 and 15-26 have been withdrawn from consideration as being drawn to nonelected subject matter.

Claims 1, 4-12, 14 and 27 have been canceled without prejudice.

Claims 2 and 28 have been amended to recite the subject matter of canceled claim 4.

No new matter has been added by way of the above-amendment.

Issues under 35 U.S.C. 103

Claims 2-4 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noguchi US 6,800,222 in view of Idota US 6,235,427. Applicants respectfully traverse the rejection.

Applicants disagree with the Examiner that the combination of Noguchi and Idota renders the present invention obvious. However, in order to advance prosecution, Applicants have further amended independent claims 2 and 28 to recite the subject matter of claim 4. Specifically, claims 2 and 28 have been amended to recite that: a) the activated carbon has an *average* particle size of 1-100  $\mu\text{m}$ ; b) the conductive powder has an *average* particle size of 10 nm-10  $\mu\text{m}$ ; and c) the conductive powder adheres to the periphery of the activated carbon. As such, there are multiple patentable distinctions between the present invention and the combination of Noguchi and Idota.

First, Applicants note that Noguchi teaches the *absolute* size of the fibrous active material and the particle conductive material, *i.e.*, Noguchi does not teach an *average* particle size as recited in claims 2 and 28, as presently amended. Accordingly, one cannot ascertain the *average* particle size from the teachings of Noguchi.

Second, Idota requires the use of water or an organic solvent in the dispersing step as a dispersing medium in the planetary mixer whereas the inventive method requires that the

activated carbon and the electrically conductive powder is mixed as a dry mixture. The Examiner must give patentable weight to the instant requirement that the planetary mixer mixes a dry mixture since these claims are method claims.

Also, it is noted that it is important for Noguchi to force the fine graphite powder out from between the fibrous carbon particles toward the electrode surface portion, see column 7, lines 54-67. This is a different mechanism than is used in the present invention. In the present invention, the conductive powder adheres to the periphery of the activated carbon *homogeneously* throughout the sample. This is the result of the triboelectrification between the particles being mixed thereby dispersing the agglomerated conductive powder into primary particles which adhere to the periphery of the activated carbon for electrical double-layer capacitors. It is the present inventors who first conceived of using a planetary mixer to obtain mixture wherein the conductive powder adheres to the periphery of the activated carbon by dry mixing.

As the MPEP directs, all the claim limitations must be taught or fairly suggested by the prior art to establish a *prima facie* case of obviousness. See MPEP § 2143.03. Applicants respectfully submit that the present invention is not made obvious by the combination of Noguchi and Idota in view of the fact that the combination of Noguchi and Idota fail to teach or fairly suggest a method for preparing a carbonaceous material powder mixture using a dry mixture in a planetary mixer wherein a) the activated carbon has an *average* particle size of 1-100  $\mu\text{m}$ ; b) the conductive powder has an *average* particle size of 10 nm-10  $\mu\text{m}$ ; and c) the conductive powder adheres to the periphery of the activated carbon. As such, withdrawal of the rejection is respectfully requested.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Garth M. Dahlen, Ph.D., Esq. Reg.

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No. 43,575 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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